

REMARKS

In the Office Action¹, the Examiner rejected claims 1-7, 9-15, 17-37, 39-45, 47-69, 71-73, 75-95, 97, 99-114, and 138-161 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,949,877 to Traw et al. ("*Traw*").

Applicants respectfully traverse the rejection of claims 1-7, 9-15, 17-37, 39-45, 47-69, 71-73, 73-95, 97, 99-114, and 138-161 under 35 U.S.C. § 102(b) as allegedly anticipated by *Traw*.

Independent claim 1, for example, recites a data transmitting system comprising, among other things, a "data recording medium including . . . a security module which executes a mutual authentication protocol with [a] drive unit ... and a recording medium proper." *Traw* fails to teach or suggest at least the claimed data recording medium.

Traw discloses a method for protecting digital content from copying or other misuse when transferred between devices over insecure links (*Traw*, abstract). *Traw* also describes an authentication process between a Device A and a Device B (*Traw*, col. 7, lines 5-65). However, *Traw* does not disclose that either Device A or Device B is a recording medium which includes a security module. Indeed, even assuming Device A or Device B include a recording medium, *Traw* discloses that the devices themselves execute the authentication process, and not a security module included in such a data recording medium.

Traw also discloses "compliant media" that can be used to distribute a "certificate

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

revocation list" ("CRL") (*Traw*, col. 6, lines 48-49). *Traw* further discloses that compliant systems can read from the media and update their CRLs (*Traw*, col. 6, lines 51-56). However, even assuming *Traw*'s CRLs are used as part of a mutual authentication protocol, *Traw* does not disclose that the compliant media themselves include a security module for performing the authentication. Instead, as discussed, *Traw*'s systems read the CRL from the media and may perform an authentication process as described above for devices A and B. Thus, *Traw*'s media do not include a "security module." Therefore, *Traw* does not teach or suggest a "data recording medium including . . . a security module which executes a mutual authentication protocol with [a] drive unit ... and a recording medium proper," as recited by independent claim 1.

Traw thus does not anticipate claim 1. Although of different scope than claim 1, independent claims 34, 64, and 91 distinguish over *Traw* for at least the same reasons as claim 1.

Claims 2-7, 9-15, 17-33, and 138-145 depend from claim 1, claims 35-37, 39-45, 47-63, and 146-153 depend from claim 34, claims 65-69, 71-73, 75-90, and 154-157 depend from claim 64, and claims 92-95, 97, 99-114, and 158-161 depend from claim 91. Because *Traw* does not support the rejection of independent claims 1, 34, 64, and 91 under 35 U.S.C. § 102(b), *Traw* also does not support the rejection of dependent claims 2-7, 9-15, 17-33, 35-37, 39-45, 47-63, 65-69, 71-73, 75-90, 154-157, 92-95, 97, 99-114, and 138-161. Therefore, Applicant requests that the rejection of claims 1-7, 9-15, 17-37, 39-45, 47-69, 71-73, 73-95, 97, 99-114, and 138-161 under 35 U.S.C. § 102(b) be withdrawn and the claims allowed.

Dependent claim 3 is further distinguishable from *Traw*. Claim 3 recites "[t]he

system as set forth in Claim 1, wherein the data recording medium includes the security module and a disc” (emphasis added). As discussed, *Traw* does not disclose the claimed security module. Moreover, *Traw* does not disclose a data recording medium that includes a security module and a disc. Therefore, *Traw* fails to teach or suggest a “data recording medium includes [a] security module and a disc,” as recited by claim 3.

Dependent claim 7 is further distinguishable from *Traw*. Claim 7 recites “[t]he system as set forth in Claim 1, wherein the interface unit accesses the data recording medium via the security module of the data recording medium.” To the extent that *Traw* discusses media, *Claw* does not teach or suggest accessing such media via a security module. Therefore, *Traw* fails to teach or suggest an “interface unit [that] accesses the data recording medium via the security module of the data recording medium,” as recited by claim 7.

Dependent claim 9 is further distinguishable from *Traw*. Claim 9 recites “[t]he system as set forth in Claim 1, wherein the identification data of the data recording medium is stored in the security module.” *Traw*’s system stores a digital certificate that includes a unique device ID used in the authentication process (*Traw*, col. 6, lines 24-34). However, *Traw* does not disclose that the certificate or the device ID is stored in a security module included in the recording medium. Therefore, *Traw* fails to teach or suggest “wherein the identification data of the data recording medium is stored in the security module,” as recited by claim 9.

Dependent claim 24 is further distinguishable from *Traw*. Claim 24 recites “[t]he system as set forth in Claim 1, wherein the illegal unit revocation list includes ... a registration list having registered therein identification data of units ... not ... revoked”

(emphasis added). *Traw* does not disclose such a registration list. Therefore, *Traw* fails to teach or suggest the claimed “registration” list having registered therein identification data of units ... not ... revoked,” as recited by claim 24.

In addition to the above-noted deficiencies, the Examiner has not addressed all of the recitations of the claims. Instead, the Examiner simply identifies a number of teachings of *Traw* and makes the blanket allegation that *Traw* anticipates all of the claims (Office Action at pp. 2-3). Applicant respectfully refers the Examiner to 37 C.F.R. 1.104(c)(2) which states:

In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.

(emphasis added). Should the Examiner maintain the rejection, Applicant respectfully requests that the Examiner address every recitation of the claims, and designate the parts of the reference that are used to support the rejection.

In particular, the Examiner has not identified which structures in *Traw* allegedly correspond to each of the claimed “security module” and “recording medium proper.” Should the Examiner maintain the rejection, Applicants respectfully request the Examiner to identify a structure in *Traw* that is alleged to correspond to the claimed “security module” and a structure in *Traw* that is alleged to correspond to the claimed “recording medium proper.”

In view of the foregoing remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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